

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6547

BILL NUMBER: HB 1111

NOTE PREPARED: Dec 27, 2002

BILL AMENDED:

SUBJECT: Employee Access to Personnel Records.

FIRST AUTHOR: Rep. Cheney

FIRST SPONSOR:

BILL STATUS: As Introduced

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill provides that an employer, upon written request from an employee, shall allow the employee to review the employee's personnel records. The bill provides procedures if the employee disagrees with the recorded information. The bill prohibits an employer from gathering or retaining records of certain employee activities. It provides that an employer may keep a separate file when investigating certain criminal, destructive, or disruptive activities. The bill provides that a court may award damages to an employee if the employer violates any of these provisions, along with attorney's fees and court costs. The bill provides that information concerning findings of fact and decisions in which final action was taken and that resulted in the suspension without pay or discharge of a public employee is a public record.

Effective Date: July 1, 2003.

Explanation of State Expenditures: This bill could have a minimal impact on state agencies insofar as it may require agencies to make changes in the management of employment records. The bill specifies what types of information may be included in an employment record and specifies procedures for disagreements over the contents of employee records.

Current law provides that public employees and their agents have the right to view their individual personnel files.

Explanation of State Revenues: *Court Fee Revenue:* The bill provides that an employee may commence a civil action in a circuit or superior court against an employer that is in violation of the bill's provisions. If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed. 70% of the filing fee would be deposited

in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures: The provisions in the bill would also apply to local units that have at least four employees.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected: All; Criminal justice agencies.

Local Agencies Affected: All; Courts; Criminal justice agencies.

Information Sources: Public Access Counselor.

Fiscal Analyst: John Parkey, 317-232-9854